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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,803	12/31/2001	Jack Brass	213899.00004	7343

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EXAMINER

LEE, GUIYOUNG

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,803	<b>Applicant(s)</b> BRASS ET AL.	
	<b>Examiner</b> Guiyoung Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 and 54-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28,30,31 and 61-64 is/are allowed.
- 6) ☒ Claim(s) 1-27,29,32-52,54-60 and 65-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>0903</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the Amendment filed September 22, 2003.

### *Specification*

2. The abstract of the disclosure is objected to because Abstract should be brief, *no longer than 150 words*, and on a separate piece of paper. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-11, 21-24, 49, 51, 55, and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al. (USPT 6,491,408 B1).

Re claims 1, 49, 51, 55, and 75: Cooper discloses an inspection lamp having light emitting diodes (28 in Fig. 5A) as a source of radiation suitable for causing visible fluorescence of fluorescent materials, where said light emitting diodes are substantially non-identical spectral characteristics of their emitted radiation, such that at least one but not all of said light emitting diodes in said inspection lamp produce wavelengths of radiation that are favorable for causing visible fluorescence of some fluorescent materials, and such that one more different said light

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emitting diodes said inspection lamp produce substantially different wavelengths (col.2, lines 32-40) of radiation which are more favorable than the wavelengths (col. 2, lines 23-31) of first said light emitting diodes causing visible fluorescence of some fluorescent materials other than first said fluorescent materials, and wherein if one light emitting diode is emitting radiation then at least one other light emitting diode is emitting radiation.

Re claims 2-4: Cooper discloses that at least one light emitting diode has peak emission wavelength (col. 2, lines 23-31) in the ultraviolet and having at least one light emitting diode with a peak emission wavelength (col. 2, lines 32-40) that visible as a blue but suitable for causing visible fluorescence of fluorescent materials, wherein at least one light emitting diode has a peak emission wavelength in the range of 425 to 480 nanometers (col. 2, lines 32-40) and at least one light emitting diode has a peak emission wavelength in the range of 360 to 430 nanometers (col. 2, lines 23-31).

Re claim 5: Cooper discloses an inspection lamp having one lens (44 in Fig. 5B) to collimate the radiation produced by at least some of the light emitting diodes.

Re claims 7-8: Cooper discloses an inspection lamp having a handle (20), the handle shares a longitudinal axis with the inspection lamp as a whole (See Fig. 1).

Re claim 9: Cooper discloses that the handle does not share an axis with any other major portion of said inspection lamp (See Fig. 5A).

Re claim 10: Cooper discloses one or more dry cells (37 in Fig. 5A) as a source of power.

Re claim 11: Cooper discloses an inspection lamp designed to accept power from an external power source (col. 4, line54-57).

Re claims 21-24: Cooper, further, discloses a light-emitting module suitable for replacing the bulb of a flashlight (col. 6, lines 14-24).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-20 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 1 above, and further in view of Dalton et al. (USPT 5,806,961). The teachings of Cooper have been discussed above.

Re claims 12-20 and 48: Cooper does not teaches an external power source such as a source of alternating current or one or more rechargeable cell having rechargeable means. Further, Cooper does not disclose means to control the amount current such as a resistor. However, Dalton teaches a rechargeable flashlight having a recharging circuit with a resistor (Fig. 16) that is connected to an AC power. It would have been obvious to one having ordinary skill in the art at

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the time of the invention to substitute Dalton's rechargeable supply unit and a control means with Cooper's battery unit in order to add a rechargeable function and a control function to Cooper's lamp.

7. Claims 6, 25-27, 29, 32-37, 46-47, 50, 52, 54, and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Sommers et al. (USPT 6,485,160 B1). The teachings of Sommers have been discussed above.

Re claims 6, 25-27, 29, 46-47, 50, 52, 54, and 56-57: Cooper teaches an LED inspection lamp. Cooper does not teach a lens adaptor having a lens housing and a plurality of lenses. However, Sommers teaches a lens adaptor (34a-34c in Fig. 1) having a lens housing and a plurality of lenses (34a-34c). Further, Sommers teaches that each beams of radiation individually associated with each of said light emitting diodes projects forward from the lens and a plurality of beams of radiator simultaneously produced by a plurality of the light emitting diodes merge together (col. 2, line 62- col. 3, line 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Sommers' lens adaptor having a lens housing and a lens into Cooper's lamp in order to superimpose radiation passing through all lens from the LEDs to a target area, as suggested by Sommers (See Fig. 10).

Re claims 32-33: Cooper discloses an inspection lamp having a handle (20), the handle shares a longitudinal axis with the inspection lamp as a whole (See Fig. 1).

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Re claim 34: Cooper discloses that the handle does not share an axis with any other major portion of said inspection lamp (See Fig. 5A).

Re claim 35: Cooper discloses one or more dry cells (37 in Fig. 5A) as a source of power.

Re claim 36-37: Cooper discloses an inspection lamp designed to accept power from an external power source (col. 4, line 54-57).

Re claims 58-60: Cooper teaches a lens assembly that is movable to permit adjustment (col. 4, lines 40-50).

8. Claims 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper and Sommers as applied to claim 25 above, and further in view of Dalton et al. (USPT 5,806,961).

The teachings of Cooper and Sommers have been discussed above.

Re claims 38-45: Cooper does not teach an external power source such as a source of alternating current or one or more rechargeable cell having rechargeable means. Further, Cooper does not disclose means to control the amount current such as a resistor. However, Dalton teaches a rechargeable flashlight having a recharging circuit with a resistor (Fig. 16) that is connected to an AC power. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Dalton's rechargeable supply unit and a control means with Cooper's battery unit in order to add a rechargeable function and a control function to Cooper's lamp.

9. Claims 65-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 1 above, and further in view of Brown et al. (USPT 6,142,650). The teachings of Cooper have been discussed above.

Re claims 65-74: Cooper does not teach a laser diode or a cylindrical lens. However, Brown teaches a flashlight having a laser diode (48 in Fig. 1) and a cylindrical lens (54 and 56 in Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Cooper's LED and lens with Brown's laser diode and cylindrical lens in order to form a coherent beam pattern as taught by Brown.

***Allowable Subject Matter***

10. Claims 28, 30-31, and 61-64 are allowed.

11. Claims 28, 30-31, and 61-64 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, Cooper and Sommers, teaches a LED inspection lamp for detection of fluorescent materials having a variety of circuit components and lens assembly, the prior art of record, Sommers, does not teach the LED-lens combination as taught in claims 28, 30, and 61 in order to concentrate and superimpose the beams to form a "spotlight".



***Response to Arguments***

13. In light of the amendment to the claims and Applicant's clarification, the Examiner's claims rejections under the second paragraph of 35 U.S.C. 112 are withdrawn.

14. Applicant's arguments with respect to claims 1-27, 29, 32-60, and 65-75 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can

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normally be reached between the hours of 8:00 AM to 3:30PM  
Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703) 872-9306. The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Guiyoung.lee@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

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12/29/2003

  
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